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County of Alameda and Alameda County Deputy
Sheriff Joshua Mayfield
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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 JOSEPH P. CUVIELLO and DENIZ
13 BOLBOL, individually,

14 Plaintiffs,

15 v.

16 ROWELL RANCH RODEO, INC.;
17 HAYWARD AREA RECREATION AND
PARK DISTRICT; HAYWARD AREA
18 RECREATION AND PARK DISTRICT
PUBLIC SAFETY MANAGER/RANGER
19 KEVIN HART; ALAMEDA COUNTY
SHERIFF'S OFFICE; ALAMEDA COUNTY
20 DEPUTY SHERIFF JOSHUA MAYFIELD;
and DOES 1 and 2, in their individual and
21 official capacities, jointly and severally,

22 Defendants.
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Case No. 3:23-cv-01652-VC

**DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION TO STRIKE
DEFENDANTS' TRIAL BRIEF RE:
SPECIFIC INTENT**

Action Filed: April 6, 2023
Trial Date: October 21, 2024

Defendants County of Alameda and Dep. Joshua Mayfield (“Defendants”) hereby oppose plaintiffs’ Motion to Strike Defendants’ Trial Brief on Specific Intent. As soon as the parties began to exchange drafts of proposed jury instructions and (subsequently) a proposed verdict form, and to meet and confer on the telephone about various pre-trial issues, it immediately became clear that the parties disagreed about a fundamental issue: whether or not specific intent was an element of a claim for violation of the Bane Act claim. Defendants believe it is an element of the claim that plaintiffs must prove; plaintiffs just as adamantly insist that it is not.

In light of the parties’ conflicting positions on this crucial issue, Defendants believe that the Court would benefit from briefing on it prior to the Pretrial Conference (“PTC”) on October 8, 2024, and that the PTC itself would be far more productive if the Court were briefed on this issue beforehand by *both* parties. Accordingly, Defendants filed a short trial brief putting forth their position on September 25, 2024 – 13 days before the PTC, thus giving plaintiffs plenty of time to brief the issue for the Court themselves. Instead of putting their position before the Court so that it could be fully briefed by both sides, plaintiffs chose to move to strike Defendants’ brief – essentially asking for the Court to rule on the matter without guidance from the parties.

Dated: October 1, 2024

FENNEMORE WENDEL

By: /s/ Marc Brainich

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